

106TH CONGRESS
2D SESSION

S. 2995

To assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. L. CHAFEE (for himself, Mr. BENNETT, Mr. CLELAND, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Character
5 Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) inadequate planning at the State level con-
2 tributes to increased public and private capital costs
3 for infrastructure development, loss of community
4 character, and environmental degradation;

5 (2) land use planning is rightfully within the ju-
6 risdiction of State and local governments;

7 (3) comprehensive planning and community de-
8 velopment should be supported by the Federal Gov-
9 ernment and State governments;

10 (4) States should provide a proper climate and
11 context for planning through legislation in order for
12 appropriate comprehensive land use planning and
13 community development to occur;

14 (5) many States have outdated land use plan-
15 ning legislation, and many States are undertaking
16 efforts to update and reform the legislation; and

17 (6) efforts to coordinate State resources with
18 local plans require additional planning at the State
19 level.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **FEDERAL LAND MANAGEMENT AGENCY.**—
23 The term “Federal land management agency”
24 means the Bureau of Land Management, the Forest
25 Service, and any other Federal land management

1 agency that conducts land use planning for Federal
2 land.

3 (2) LAND USE PLANNING LEGISLATION.—The
4 term “land use planning legislation” means a stat-
5 ute, regulation, executive order or other action taken
6 by a State to guide, regulate, and assist in the plan-
7 ning, regulation, and management of land, natural
8 resources, development practices, and other activities
9 related to the pattern and scope of future land use.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Housing and Urban Development.

12 (4) STATE.—The term “State” means a State,
13 the District of Columbia, the Commonwealth of
14 Puerto Rico, the Virgin Islands, Guam, American
15 Samoa, and the Commonwealth of the Northern
16 Mariana Islands.

17 (5) STATE PLANNING DIRECTOR.—The term
18 “State planning director” means the State official
19 designated by statute or by the Governor whose
20 principal responsibility is the drafting and updating
21 of State guide plans or guidance documents that
22 regulate land use and infrastructure development on
23 a statewide basis.

1 **SEC. 4. GRANTS TO STATES FOR UPDATING LAND USE**
2 **PLANNING LEGISLATION AND INTEGRATING**
3 **FEDERAL LAND MANAGEMENT AND STATE**
4 **PLANNING.**

5 (a) IN GENERAL.—The Secretary shall establish a
6 program to provide grants to States for the purpose of
7 assisting in—

8 (1) as a first priority, development or revision
9 of land use planning legislation in States that cur-
10 rently have inadequate or outmoded land use plan-
11 ning legislation; and

12 (2) creation or revision of State comprehensive
13 land use plans or plan elements in States that have
14 updated land use planning legislation.

15 (b) ELIGIBILITY.—To be eligible to receive a grant
16 under subsection (a), a State shall submit to the Sec-
17 retary, in such form as the Secretary may require, an ap-
18 plication demonstrating that the State's basic goals for
19 land use planning legislation reform are consistent with
20 all of the following guidelines:

21 (1) CITIZEN REPRESENTATION.—Citizens are
22 notified and citizen representation is required in the
23 developing, adopting, and updating of land use
24 plans.

25 (2) MULTIJURISDICTIONAL COOPERATION.—In
26 order to effectively manage the impacts of land de-

1 velopment and to provide for resource sustainability,
 2 land use plans are created based on multi-jurisdic-
 3 tional governmental cooperation, when practicable,
 4 particularly in the case of land use plans based on
 5 watershed boundaries.

6 (3) IMPLEMENTATION ELEMENTS.—Land use
 7 plans contain an implementation element that—

8 (A) includes a timetable for action and a
 9 definition of the respective roles and respon-
 10 sibilities of agencies, local governments, and
 11 other stakeholders;

12 (B) is consistent with State capital budget
 13 objectives; and

14 (C) provides the framework for decisions
 15 relating to the siting of future infrastructure
 16 development, including development of utilities
 17 and utility distribution systems.

18 (4) COMPREHENSIVE PLANNING.—There is
 19 comprehensive planning to encourage land use plans
 20 that—

21 (A) promote sustainable economic develop-
 22 ment and social equity;

23 (B) enhance community character;

1 (C) coordinate transportation, housing,
2 education, and other infrastructure develop-
3 ment;

4 (D) conserve historic resources, scenic re-
5 sources, and the environment; and

6 (E) sustainably manage natural resources.

7 (5) UPDATING.—Land use plans are routinely
8 updated.

9 (6) STANDARDS.—Land use plans reflect an ap-
10 proach that is consistent with established profes-
11 sional planning standards.

12 (c) USE OF GRANT FUNDS.—Grant funds received
13 by a State under subsection (a) shall be used to obtain
14 technical assistance in—

15 (1) drafting land use planning legislation;

16 (2) research and development for land use plan-
17 ning programs and requirements relating to the de-
18 velopment of State guide plans;

19 (3) conducting workshops, educating and con-
20 sulting policy makers, and involving citizens in the
21 planning process; and

22 (4) integrating State and regional concerns and
23 land use plans with Federal land use plans.

24 (d) AMOUNT OF GRANT.—The amount of a grant to
25 a State under subsection (a) shall not exceed \$500,000.

1 (e) COST-SHARING.—The Federal share of a project
 2 funded with a grant under subsection (a) shall not exceed
 3 90 percent.

4 (f) AUDITS.—

5 (1) IN GENERAL.—The Inspector General of
 6 the Department of Housing and Urban Development
 7 shall conduct an audit of a portion of the grants
 8 provided under this section to ensure that all funds
 9 provided under the grants are used for the purposes
 10 specified in this section.

11 (2) USE OF AUDIT RESULTS.—The results of
 12 audits conducted under paragraph (1) and any rec-
 13 ommendations made in connection with the audits
 14 shall be taken into consideration in awarding any fu-
 15 ture grant under this section to a State.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
 17 authorized to be appropriated to carry out this section
 18 \$25,000,000 for the period of fiscal years 2001 through
 19 2005.

20 **SEC. 5. FEDERAL LAND MANAGEMENT AGENCIES.**

21 (a) LAND USE PLANNING COORDINATOR.—The head
 22 of each Federal land management agency shall designate
 23 an officer to act as coordinator working with State plan-
 24 ning directors on projects funded under section 4.

1 (b) PROVISION OF INFORMATION.—A Federal land
2 management agency shall provide to a State planning di-
3 rector such background information, plans, and relevant
4 budget information as the State planning director con-
5 siders to be needed in connection with a project funded
6 under section 4.

7 (c) ASSISTANCE AND PARTICIPATION IN COMMUNITY
8 ORGANIZED EVENTS.—Each Federal land management
9 agency shall participate in any community organized
10 events requested by the State planning director.

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